

**UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK**

JOSE MANRIQUE, suing individually on his  
own behalf and reprehensibility on behalf of a  
class of plaintiffs similarly situated,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant,

Civil Action No:  
7-21-cv-0224-KMK

ORAL ARGUMENT REQUESTED

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the accompanying Declaration of Brian L. Bank, dated January 31, 2022, and the exhibits annexed thereto, the accompanying Memorandum of Law, and all prior pleadings and proceedings had herein, Defendant STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (“State Farm”), by and through its counsel, Rivkin Radler LLP and Dechert LLP, shall move this Court before the Honorable Kenneth M. Karas at The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, NY 10601-4150, for an Order amending the Court’s December 2, 2021, Opinion and Order (ECF No. 28) so as to permit interlocutory appeal pursuant to 28 U.S.C. § 1292(b), along with such other and further relief as this Court may deem just and proper. Oral argument shall be scheduled on a date and at a time designated by the Court.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Court’s Motion Scheduling

Order, dated January 10, 2022 [D.E. 35], any opposing declarations and/or memoranda shall be served by no later than February 21, 2022.

Dated: January 31, 2021  
New York, New York

Respectfully submitted,

**DECHERT LLP**

/s/ Douglas W. Dunham  
Douglas W. Dunham  
Ellen P. Quackenbos  
Three Bryant Park  
1095 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 698-3500  
Facsimile: (212) 698-3599  
douglas.dunham@dechert.com

-and-

**RIVKIN RADLER LLP**

/s/ Brian L. Bank  
Evan H. Krinick  
Brian L. Bank  
926 RXR Plaza  
Uniondale, New York 11556  
Telephone: (516) 357-3000  
Facsimile: (516) 357-3333  
brian.bank@rivkin.com

*Attorneys for Defendant State Farm Mutual  
Automobile Insurance Company*